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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/854,802 | 05/14/2001 | Bojidar M. Stankov | 1259-001 | 8869 |
| 47888 | 7590 | 08/19/2005 | EXAMINER | |
| HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036 | | | ART UNIT | PAPER NUMBER |

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Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|--|--------------------------------------|--|--|
| Notification of Non-Compliant Appeal Brief (37 CFR 41.37) | Application No. 09/854,802 | Applicant(s) STANKOV, BOJIDAR M. | |
| | Examiner Frank I. Choi | Art Unit 1616 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--


The Appeal Brief filed on 02 June 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

"Summary of invention" has been replaced by "summary of claimed subject matter" with the above requirements. The "summary of invention" set forth in the Brief lacks the requirements above. "Issues" has been replaced by "Grounds of rejection to be reviewed on appeal". There is no longer a requirement that the grouping of claims be set forth, however, any claim(s) argued separately should be placed under a subheading. It is unclear whether claims 17, 18, 20-24 stand or fall with claim 16 based on Section (7) of the Appeal Brief, however, there does not appear to be any separate arguments relative to claims 17, 18 and 20-24. The brief submits a copy of a portion of the USP (2002) and a review article as evidence supporting Applicant's arguments. Said evidence had not been previously submitted prior to the filing of the appeal brief, as such, is not admitted. See 37 CFR Sections 41.33(c) and 41.33(d)(2).




JOHN PAK
PRIMARY EXAMINER
GROUP 160